IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.2018 OF 1998

Coral Cosmetics Ltd. & Anr. ..Petitioners.

V/s.

Union of India & Ors. ..Respondents.

Mr.Atul Setalwad with Mr.D.B.Shroff and Shyam Diwan i/b. M/s.Crawford & Bayley & Co. for petitioners.

Mr.P.S.Jetly for respondents.

CORAM : V.C. DAGA AND J.P.DEVADHAR, JJ.

DATED : 4TH APRIL, 2005.

P.C. :-

1. Heard the rival parties. In view of the amendment to section 57F (17) (a), (b), (c), (d) & (e) of the Central Excise Rules, 1944, the challenge in the petition does not survive. The learned counsel appearing for the petition vide his letter dated 9th June, 1999 brought it on record that the amount of Rs.60,00,000/- has already been paid to the revenue, the amount which was covered by the bank guarantee. The acknowledgement letter dated 29th June, 1999 issued by the Deputy Commissioner, Central Excise, Kalyan-II confirms the said letter dated

9th June, 1999. However, Deputy Commissioner, Central Excise, Kalyan-II apears to have refused to return the bank guarantee as the matter is pending in the Court. The Xerox copies of the letters referred to hereinabove are taken on record.

2. In view of the subsequent payment of the amount as mentioned hereinabove, the cause of action for the petition does not survive and the same is accordingly dismissed with no order as to costs.

3. The revenue is directed to return back the guarantee to the petitioners within 4 weeks from today.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)